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Subject: Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions

February 2, 2009

Ms. Cynthia Bryant, Director

Governor's Office of Planning & Research

P.O. Box 3022

Sacramento, CA 95812-3044

Dear Ms. Bryant:

Re: Preliminary Draft CEQA Guidelines Amendments for Greenhouse Gas Emissions

I am the co-director of the California Affordable Housing Law Project, a center for law and policy on issues of affordable housing and a state support center for local legal services and public interest law offices. I am also a member of the California ARB's Regional Targets Advisory Committee. I write to suggest some changes to the draft greenhouse gas emissions Guidelines.

As you are aware, the Regional Housing Need Determination or Allocation (RHNA) process for housing element updates pursuant to Article 10.6 of the Government Code et. seq. includes a statutory exemption for the RHNA(Section 65584(f)). This exemption is reflected in existing Section 15283 of the Guidelines. The Preliminary Draft Guideline Amendments for Greenhouse Gas Emissions' proposed inclusion of additional references to the RHNA is appropriate. However, we recommend a clarification to avoid any potential confusion regarding the RHNA's exemption from CEQA.

For example, Section 15130 refers in paragraph (b)(1)(B) to a "regional plan for which an EIR has been certified," but, perhaps inadvertently, goes on to include RHNAs among types of plans the prior statement is applicable to. While the first reference is permissive, coupled with the omission of such reference in the similar list contained in subd. (d) of Section 15130, the paragraph could be

confusing to persons unaware of the RHNA exemption from CEQA. Accordingly, we recommend that the two references to regional plans in Section 15130 be made consistent and that the Guidelines make it clear that RHNA adoptions are not subject to CEQA compliance.

Please contact me f with any questions regarding this comment or the RHNA.

Sincerely,

Michael Rawson

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